

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s) : D. ANDREEV et al. Confirmation No.: 1826
Appln. No. : 10/791,322 Group Art Unit: 2439
Filed : March 2, 2004 Examiner: A. F. Tabor
For : SYSTEM AND METHOD OF PROVIDING CREDENTIALS IN A
NETWORK

REPLY BRIEF UNDER 37 C.F.R. 41.41(a)(1)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop **Appeal Brief - Patents**
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Sir:

This Reply Brief is in response to the Examiner's Answer dated January 21, 2009, the period for reply extending until March 23, 2009 (March 21, 2009 being a Saturday).

The Examiner maintains the grounds of rejection advanced in the final rejection of claims 1, 3-10, 13-19 and 21-25, and provides arguments in support thereof.

Appellant notes this Reply Brief is being filed under 37 C.F.R. 41.41(a)(1) and is directed to the arguments presented in the Examiner's Answer, and therefore must be entered unless the final rejection is withdrawn in response to the instant Reply Brief. With regard to this Reply Brief, Appellant notes it is addressing points made in the Examiner's Answer and not repeating the arguments set forth in the Appeal Brief.

A copy of *Ex parte HADDAD* is attached hereto.

POINTS OF ARGUMENT

First Issue

On page 10 of the Examiner's Answer, the Examiner purports to disagree with Appellant, but expressly acknowledges that KAUFMAN's "password is not maintained on the portal ..." (emphasis added). This admission by the Examiner actually supports Appellant's argument because claims 1, 9 and 22 substantially recite maintaining the user password on the portal and avoiding exposing the user password to network resources beyond the portal.

Second Issue

On pages 10 and 11 of the Examiner's Answer, the Examiner nevertheless maintains that KAUFMAN somehow teaches maintaining the user password on the portal and avoiding exposing the user password to network resources beyond the portal (as recited in claims 1, 9 and 22), and specifically cites the Abstract, and well as col. 4, lines 26-36 and col. 3, line 66 to col. 4, line 14 of KAUFMAN.

Appellant notes that the Examiner did not cite this language (with the exception of the Abstract) in the final rejection of claims 1, 9 and 22.

Appellant also notes that the Examiner has failed to identify which device in KAUFMAN constitutes the recited portal or portal server so that Appellant can make some sense of the full merits of the Examiner's argument.

Furthermore, Appellant disagrees with the Examiner's assertions based on the cited language.

With regard to col. 4, lines 26-36 of KAUFMAN, Appellant notes that this language states the following:

When logging into the system, the user enters its name and password at a workstation. In accordance with the novel login protocol, the workstation calculates $H1_A$ and $H2_A$ of the password using the same algorithms employed by the KG; the workstation then generates a secret key K comprising a random nonce. K and $H2_A$ are then encrypted under the public key of the LA, $\{K, H2\}_{LA-PUB}$, and forwarded, along with the user's name, to the LA as a message M , i.e., $M=\{H2_{A,K}\}_{LA-PUB}$, usemarne.

While it is true that this language discusses, after the user logs-on with a password, generating a secret key, encrypting under a public key, and forwarding these to the LA (logon agent), this is not the same as maintaining the user password on the portal and avoiding exposing the user password to network resources beyond the portal.

In fact, the Examiner's argument appears to be contradicted by the other language cited by the Examiner. In particular, col. 3, line 66 to col. 4, line 14 of KAUFMAN specifically explains:

The present invention resides in a method and related apparatus for protecting the confidentiality of a user's password during a remote login authentication exchange between a user node, such as a workstation, and a directory service node of a distributed, public key cryptography system. Specifically, in one aspect of the invention, a specialized server application functions as an intermediary agent for the login authentication procedure. This "semi-trusted" login agent (LA) has responsibility for approving the user's login attempt and distributing the private key to the user. However, the LA is not trusted with the user's password and, thus, cannot impersonate the user. This latter condition is ensured by a novel login protocol which, in another aspect of the invention, enables remote authentication of the user password without transmitting the password over the network, as described below.

As is apparent from the noted language, KAUFMAN specifically explains that the LA "is not trusted with the user's password". Thus, the LA cannot constitute the recited portal.

Furthermore, the language explaining that “the user password without transmitting the password over the network” does not *per se* mean that the disclosed system avoids exposing the user password to network resources beyond the portal. Nor has the Examiner demonstrated otherwise.

The Examiner also points to lines 10-13 of the Abstract for support noting that this language discusses remote authentication of the user password without transmitting the user password over the network. What the Examiner fails to appreciate is that this language relates to the authentication which occurs between a workstation and the LA (see col. 4, lines 26-36 of KAUFMAN noted above). Since neither the workstation nor the LA constitute the recited portal (the latter because it does not maintain the user password thereon and the former because it is a workstation and not a portal server), the language from the Abstract is insufficient to disclose or suggest maintaining the user password on the portal and avoiding exposing the user password to network resources beyond the portal.

Finally, Appellant submits that the Examiner has in fact misconstrued KAUFMAN. KAUFMAN uses a variety of hashing and encryption mechanisms to protect the user’s password before the password is sent from the user’s workstation to a login agent (LA), from the login agent to a CSS, and from the CSS back to the login agent, etc. However, despite these hashing and encryption mechanisms, KAUFMAN still exposes the user’s password to a variety of network resources. As such, Appellant submits that contrary to the Examiner’s assertions, KAUFMAN does not maintain the user password on the portal and avoid exposing the user password to network resources beyond the portal.

Third Issue

On pages 10-15 of the Examiner's Answer, the Examiner makes assertions of obviousness with regard to the claims, but fails to address the full merits of each claim. For example, the Examiner discusses claims 1, 9 and 22 as if they recite the same features. They do not. These claims have substantial differences which were addressed in the Appeal Brief but which were not addressed in detail in the final rejection or the Examiner's Answer. Moreover, the Examiner appears to be relying on an overly broad construction of the claim language and the prior art document.

Appellant submits that this is improper. Appellant reminds the Examiner that the "broadest reasonable interpretation" standard used by Examiners must be one that "would be understood by one of ordinary skill in the art, taking into consideration the description of the applicant's specification. *In re Morris*, 127 F.3D 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997)". See page 3 of the attached non-precedential decision *Ex parte HADDAD*. Appellant has clearly recited (i) sending a UserID associated with the session ID and the credential string to a software application from the portal server, while maintaining the user password on the portal server and avoiding exposing the user password to network resources beyond the portal server (claim 1); and/or (ii) sending a confirmation request from the authentication proxy to the portal while maintaining the user password on the portal and avoiding exposing the user password to network resources beyond the portal (claim 9); and/or (iii) send a UserID associated with the session ID and the credential string to a software application from the portal server, while maintaining the user password on the portal server and avoiding exposing the user password to network resources beyond the portal server (claim 22). These specific features,

among others, have not been shown to be disclosed or suggested by the applied documents.

CONCLUSION

Accordingly, in view of the above-noted arguments (as well as those already of record), the Board is respectfully requested to reverse the Examiner's decision to finally reject claims 1, 3-10, 13-19 and 21-25 under 35 U.S.C. §103. Furthermore, the application should be remanded to the Examiner for withdrawal of the rejections over the applied documents and an early allowance of all claims on appeal should be provided. The Commissioner is hereby authorized to charge any fees necessary for consideration of this paper to deposit account No. 09-0457.

Respectfully submitted,
D. ANDREEV et al.



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March 23, 2009
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The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NADIM HADDAD, CHARLES N. ALCORN,
JONATHAN MAIMON, LEONARD R. ROCKETT
and SCOTT DOYLE

Appeal No. 2003-2013
Application No. 09/491,230

ON BRIEF

Before KIMLIN, JEFFREY T. SMITH and PAWLIKOWSKI, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 6-19.

Claim 6 is illustrative:

6. A resistor, comprising:

a first passivation layer overlying a semiconductor substrate having a plurality of transistors;

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a first bottom contact and a second bottom contact formed through said first passivation layer at a first contact location and a second contact location, respectively;

a resistive film formed over said first passivation layer to serve as a resistor, wherein said resistive film has a first end and a second end;

a first top contact connecting said first bottom contact to said first end of said resistive film; and

a second top contact connecting said second bottom contact to said second end of said resistive film.

In the rejection of the appealed claims, the examiner relies upon the following reference:

Matthews	5,182,225	Jan. 26, 1993
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Appellants' claimed invention is directed to a resistor wherein first and second top contacts connect first and second bottom contacts to first and second ends of a resistive film.

Appealed claims 6, 7, 11, 12 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matthews. Claims 8-10 and 13-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Matthews.

We have thoroughly reviewed the respective positions advanced by appellants and the examiner. In so doing, we concur with appellants that the prior art cited by the examiner neither describes the claimed invention within the meaning of § 102 nor

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renders it obvious within the meaning of § 103. Accordingly, we will not sustain the examiner's rejections.

The basis of the examiner's rejections over Matthews is finding that the gate and source regions of Matthews meet the requirements for the claimed first and second bottom contacts, respectively. In other words, it is the examiner's position that the gate and source of Matthews are contacts which meet the requirements of the presently claimed first and second bottom contacts. Appellants, on the other hand, contend that when one of ordinary skill in the art interprets the claim language in light of the specification, such a skilled artisan would not read the first and second bottom contacts as including the gate and source regions of Matthews.

We must acknowledge that there is a certain appeal in the examiner's position. Manifestly, the source and gate of Matthews are made of a conductive material and serve to pass current from one body to another, as urged by the examiner. However, it is well settled that claim language is given its broadest reasonable meaning during prosecution as it would be understood by one of ordinary skill in the art, taking into consideration the description of the applicant's specification. In re Morris,

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127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). In the present case, appellants' specification describes that the contacts, or studs, are made from tungsten, aluminum, or copper, and the specification also discloses other areas of the device as gate and source regions (14a, 14b and 17a, 17b, respectively). Hence, we find it reasonable to conclude that one of ordinary skill in the art would not interpret the claimed first and second bottom contacts as inclusive of gate and source regions and, therefore, it is our opinion that the gate and source regions of Matthews are not a description of the claimed bottom contacts within the meaning of § 102. In our view, appellants' arguments during prosecution establish, via file wrapper estoppel, that the claimed first and second bottom contacts do not encompass gate and source regions.

As for the examiner's § 103 rejection, the examiner has not presented a rationale why it would have been obvious for one of ordinary skill in the art to modify Matthews to incorporate the claimed first and second bottom contacts in addition to the gate and source regions.

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In conclusion, based on the foregoing, the examiner's
decision rejecting the appealed claims is reversed.

REVERSED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
)	
)	
)	
JEFFREY T. SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
BEVERLY PAWLIKOWSKI)	
Administrative Patent Judge)	

ECK:clm

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